

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Commercial Taxes Department - Disciplinary proceedings initiated against Sri B. Seetharamaiah, Commercial Tax Officer, Ramachandrapuram, East Godavari District in release of pensionary to one retired Assistant Commercial Tax Officer though an ACB case is pending - Charges framed - Enquiry conducted - Penalty of 25% cut in pension for a period of one year under rule 9 of A.P. Revised Pension Rules, 1980 - Imposed - Orders - Issued.

REVENUE (VIGILANCE - I) DEPARTMENT

G.O.Rt.No. 1082

Dated:19-07-2012.

Read the following :

- 1.Charge Memo No.V3/671/2002, Dt: 20.4.2009 issued by the Commissioner of Commercial Taxes, A.P, Hyderabad.
2. From Sri B. Seetharamaiah, former CTO, Ramachandrapuram and CTO (Audit), O/. the DC, CT, Vijayawada, written statement of defence dt: 20.5.2009.
3. From the C.C.T, Letter No. V3/671/2003, Dt: 11.11.2009.
4. G.O. Ms.No.48, Revenue (Vig.I) Department, Dt: 19.1.2010.
5. G.O.Rt.No.70, Revenue (Vig. I) Department, Dt: 19.1.2010.
6. From Sri B. Seetharamaiah, CTO (Retd.) written statement of defence, dt:9.4.2010.
7. G.O.Rt.No.1070, Revenue (Vig. I) Department, Dt: 3.8.2010.
8. G.O.Rt.No.1652, Revenue (Vig. I) Department, Dt:3.12.2010.
9. From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No. V3/671/2003, Dated 11.5.2011 together with enquiry report of the Deputy Commissioner, CT, Kakinada in Letter No. P1/834/2002, Dt: 25.3.2011.
10. Govt. Memo No. 31532/Vig. I(1)/2002-16, Revenue (Vig. I) Department, Dt: 9.11.2011.
11. From Sri B. Seetharamaiah, CTO (Retd.), Vizianagaram, representation dt: 5.1.2012.
12. From the Commissioner, CT, Hyderabad, Letter No. V3/671/02, Dt: 16.5.2012.
13. Govt. Letter No.31532/Vig. I(1)/2002-20, Dt: 11.6.2012.
14. From the Secretary, A.P. Public Service Commission, Letter No. 1247/RT-I/3/2012, Dated 26.6.2012.

ORDER:

In the reference 1st read above, the Commissioner of Commercial Taxes, A.P, Hyderabad framed a charge against Sri B. Seetharamaiah, Commercial Tax Officer, Ramachandrapuram for his negligence in processing the pension proposals and drawing and disbursing the pensionary benefits of Rs.6,93,994/- to Sri K. Narayana Murthy, Assistant Commercial Tax Officer (Retd.), even though an ACB case was pending against the retired Assistant Commercial Tax Officer. He was directed to submit his written statement of defence and accordingly Sri B. Seetharamaiah, Commercial Tax Officer submitted his written statement of defence vide reference 2nd read above to the Commissioner of Commercial Taxes, A.P, Hyderabad. The Commissioner of Commercial Taxes, A.P, Hyderabad, after examination of the matter, noticed certain other lapses committed by Sri B. Seetharamaiah, Commercial Tax Officer, Ramachandrapuram, and sent a report to the Government recommending to frame additional charges against Sri B. Seetharamaiah, Commercial Tax Officer under rule 9 of A.P. Revised Pension Rules, 1980 stating that the individual retired from service on superannuation on 31.5.2009, vide reference 3rd read above.

P.T.O.,

2. In the reference 4th read above, Government accorded sanction under sub-clause (1) of clause (b) of sub-rule (2) of rule 9 of the A.P. Revised Pension Rules, 1980 to initiate departmental proceedings against Sri B. Seetharamaiah, Commercial Tax Officer (Retd.) and framed additional charges ie., 5 charges against Sri B. Seetharamaiah, Commercial Tax Officer (Retd.) for the lapses committed by him and directed to submit his written statement of defence, vide reference 5th read above.

3. In the reference 6th read above, Sri B. Seetharamaiah, Commercial Tax Officer (Retd.) submitted his written statement of defence. Government, after examination of the matter, appointed the Deputy Commissioner, CT, Kakinada, as the Inquiring Authority to conduct inquiry into the matter, vide reference 7th read above.

4. In the reference 9th read above, the Commissioner of Commercial Taxes, A.P, Hyderabad has furnished the inquiry report of the Deputy Commissioner, CT., Kakinada, dated 25.3.2011, wherein the Inquiring Authority has held that, out of six (6) charges, three (3) charges are held proved against the charged officer.

5. Government have examined the findings of Enquiry Officer and took a provisional decision to impose a penalty of 25% cut in pension for a period of one year on Sri B. Seetharamaiah, Commercial Tax Officer (Retd.) for the charges held proved against him under rule 9 of A.P. Revised Pension Rules, 1980 and communicated the above provisional decision to impose the above penalty together with a copy of enquiry report to the Delinquent Officer directing to submit his representation, if any; for taking further action in the matter, vide reference 10th read above.

6. In the reference 11th read above, Sri B. Seetharamaiah, Commercial Tax Officer (Retd.) has filed representation stating that the Enquiry Officer has not called upon him for the enquiry and did not ask for his defence and conducted the enquiry violating the procedure prescribed under rule 20 of APCS (CC&A) Rules. He has stated that he assumed charge as Commercial Tax Officer, Ramachandrapuram on 11.2.2005 and that Sri K. Narayana Murthy, Assistant Commercial Tax Officer (as Manager) joined duty on 20.2.2005 and submitted a note regarding release of pension to him without mentioning the pendency of ACB case. As he was not aware of the ACB case against Sri K. Narayana Murthy, he signed the pension papers even before he got a grip over the office matters and the sub-staff also failed to enlighten the same to him and the lapse is not intentional and it is a simply an inadvertent error. But the Enquiry Officer, without considering the above aspect, erroneously came to conclusion that the charge is proved against him. He has requested to drop the proposed penalty against him on humanitarian grounds, since it is severe and excessive.

7. Government have examined the contentions of the individual with reference to material available and observe that the Deputy Commissioner, CT, Kakinada in her enquiry report, dt:25.3.2011, among others, has mentioned that several notices were served on the Charged Officer to appear before the Inquiring Authority in person. However the Charged Officer did not attend the enquiry. In view of the above, the Inquiring Authority has given final opportunity to the Charged Officer. At last, the Charged Officer filed representation and basing on the same, the Inquiring Authority proceeded and conducted the enquiry. Hence, the plea of the Delinquent Officer that the enquiry was not conducted in accordance with rule 20 of A.P.C.S (CCA) Rules, 1991 rules is not tenable; since the Charged Officer, with a prejudiced mind evaded to appear before the Inquiring Authority in person; so as to litigate the issue.

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8. Government have also examined the contention of the Delinquent Officer that he is ignorant and the sub-staff did not appraise him about the pendency of ACB case / that he was busy in attending to office duties and observe that the Inquiring Authority has held that the suspension and reinstatement of Sri K. Narayana Murthy, Assistant Commercial Tax Officer were mentioned in the service register, but the Charged Officer signed the pension papers without taking note of the above entries. The Charged Officer forwarded the pension papers to the Accountant General, A.P, Hyderabad to release the pension to Sri K. Narayana Murthy, ACTO; but addressed the Deputy Commissioner, CT, Kakinada for clarification as to whether the LPC and NDC can be furnished to the Accountant General for release of pension keeping in view the pendency of the ACB trap case. Without waiting for the final decision of the Deputy Commissioner, CT, Kakinada, the Delinquent Officer also allowed pay fixation under the Revised Pay Scales, 2005 and hence his contention that the lapse committed by him was due to being busy in attending to the official duties and is an inadvertent mistake is not tenable and his lapses stand proved. Accordingly, the Government have decided to confirm the provisional decision to impose 25% cut in pension for a period of one year against the individual and addressed the A.P. Public Service Commission for their concurrence. In the reference 14th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above said penalty against the individual.

9. Government, after careful examination of the matter, hereby impose the penalty of 25 % cut in pension for a period of one year against Sri S. Seetharamaiah, Commercial Tax Officer (Retired) under rule 9 of A.P. Revised Pension Rules, 1980. Copy of the advice of the A.P. Public Service Commission, dt: 26.06.2012, as required under rule 23 of APCS (CC&A) Rules, 1991 is herewith furnished to the individual.

10. The Commissioner of Commercial Taxes, A.P, Hyderabad shall take further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri B. Seetharamaiah, Commercial Tax Officer (Retd.) (w.e).

through the Commissioner of Commercial Taxes, A.P, Hyderabad.

The Commissioner of Commercial Taxes, A.P, Hyderabad

(with a request to serve the G.O on the individual and send the served copy with dated signature to Government)

Copy to:

The Secretary, A.P. Public Service Commission, Hyderabad.

The Accountant General, AP, Hyderabad.

The Director of Treasuries & Accounts, Hyderabad.

The Revenue (CT.I) Department.

PS to Prl. Secretary to Government, Revenue Department.

SF/SC.

//Forwarded :: By Order //

SECTION OFFICER.